

Executive Summary – Enforcement Matter – Case No. 25076

**City of Queen City
RN101918910 and RN101388858
Docket No. 2010-1244-MLM-E**

Order Type:

Findings Agreed Order

Findings Order Justification:

Indifference to legal duty based on violation of a previous order.

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

MLM - PWS, WQ

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Queen City WWTP, located on the south side of Cypress Creek approximately 1.1 miles east and 0.2 mile north of the intersection of Farm-to-Market Road 96 and U.S. Highway 59, Cass County

City of Queen City PWS, located at 210 Houston Street, Queen City, Cass County

Type of Operation:

Wastewater treatment plant and public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 5, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$81,400

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$81,400

Name of SEP: Compliance SEP

Compliance History Classifications:

Person/CN - Average

Site/RN101918910 – Average

Site/RN101388858 – N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

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**City of Queen City
RN101918910 and RN101388858
Docket No. 2010-1244-MLM-E**

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: May 19, 2010 and October 15, 2010

Date(s) of NOE(s): July 9, 2010 and October 22, 2010

Violation Information

1. Failed to comply with permitted effluent limits for 5-day carbonaceous biochemical oxygen demand, chlorine residual, flow, total suspended solids, and ammonia nitrogen [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011225001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, and TCEQ Agreed Order Docket No. 2005-0658-MLM-E, Ordering Provision No. 2.f.].

2. Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter for total trihalomethanes ("TTHM"), based on a running annual average [30 TEX. ADMIN. CODE § 290.113(f)(4), TEX. HEALTH & SAFETY CODE § 341.0315(c) and TCEQ Agreed Order Docket No. 2009-0515-PWS-E, Ordering Provision Nos. 2.a. and 2.b.].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. The Order will require Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)

2. The Order will also require Respondent to:

a. Within 180 days, submit a report to the Commission, documenting the progress of corrective actions that are planned and/or have been completed to ensure the effluent meets the permitted limits;

b. Within 365 days, return to compliance with the running annual average MCL for TTHM;

c. Within 380 days, submit written certification of compliance with Ordering Provision b.; and

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d. Within 470 days, submit written certification of compliance with the permitted effluent limits of TPDES Permit No. WQ0011225001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Heather Brister, Enforcement Division, Enforcement Team 1, MC R-09, (254) 761-3034; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

TCEQ SEP Coordinator: Stephanie Frazee, SEP Coordinator, Litigation Division, MC 175, (512) 239-3693

Respondent: The Honorable Harold Martin, Mayor, City of Queen City, P.O. Box 301, Queen City, Texas 75572

Respondent's Attorney: N/A

Attachment A
Docket Number: 2010-1244-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Queen City
Penalty Amount:	Eighty-One Thousand Four Hundred Dollars (\$81,400)
SEP Offset Amount:	Eighty-One Thousand Four Hundred Dollars (\$81,400)
Type of SEP:	Compliance SEP
Project Name:	<i>Waste Water Treatment Plant Construction Project</i>
Location of SEP:	Cass County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative Penalty Amount assessed in this Agreed Order for Respondent to perform a Supplemental Environmental Project ("SEP"). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

Respondent is a Local Government that qualifies under Texas Water Code § 7.067 to apply the SEP Offset Amount set forth above to correct violations at its wastewater treatment facility which are described in this Agreed Order. This Agreed Order cites violations at the Respondent's wastewater treatment plant. Respondent shall purchase and install a backup generator for power interruptions and security fencing for the wastewater treatment plant. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for one or more of the following: security fencing consisting of a double 10 foot gate, single walk-thru gate, and 400 feet of 6-foot 9-gauge chain link fence with 2-strand barbwire on top; a 275-KW Generac Diesel-Powered generator; 600 AMP rain-tight 3-phase automatic transfer switch; copper utility, control wiring and conduit between generator and transfer switch; 17' x 6' x 3.5" thick concrete slab with rebar for generator pad; 695 gallons of diesel fuel; and contract labor to install the security fencing and generator equipment (the "Project"). Respondent shall solicit bids from qualified contractors to install the generator and security fencing. Any advertisements, including solicitation for bids publication, related to the SEP must include the enforcement statement as stated in Section 6, Publicity, below. The Project will be performed in accordance with all federal, state, and local environmental laws and regulations, including obtaining any permits that may be required prior to commencement of the work.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed in Subsection C. Minimum Expenditure, Estimated Cost Schedule, below. No portion of the SEP Offset Amount shall be spent on administrative costs, including but not limited to operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

Respondent's signature affixed to the attached Agreed Order certifies that Respondent has not previously performed this Project, and that the SEP is being performed solely as part of the terms of settlement in this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by improving the quality of wastewater effluent being released into the environment. Inadequately treated effluent can carry bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis (causing stomach cramps and diarrhea) to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis.

C. Minimum Expenditure

Respondent shall spend at least the SEP Offset Amount to complete the Project described in Section 1, above, and comply with all other provisions of this SEP. Respondent understands that it may cost more than the SEP Offset Amount to complete the Project.

Estimated Cost Schedule

Item	Quantity	Cost	Units	Total
Double 10-ft gate	2	\$750.00	Each	\$1,500.00
Single gate/walk through	1	\$550.00	Each	\$550.00
6' 9-gauge chain link fence with 2-strand barbwire cap	400	\$18.00	Each	\$7200.00
275 KW Generac Diesel Powered Generator	1	\$56,450.00	Each	\$56,450.00
600 AMP automatic transfer switch	1	\$5,725.00	Each	\$5,725.00
Copper utility, control wiring, and conduit between generator and transfer switch	1	\$6,875.00	Each	\$6,875.00
17' x 6' x 3.5" thick concrete slab with rebar reinforcement for generator	1	\$1,750.00	Each	\$1,750.00
695 gallons of diesel fuel for generator	1	\$3,550.00	Each	\$3,550.00
Contract labor to install conduit and wire; mount transfer switch; and complete turnkey project	1	\$7,100.00	Each	\$7,100.00
Total				\$90,700.00

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 365 days after the effective date of this Agreed Order.

3. Records and Reporting

A. Progress Report

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to the TCEQ describing actions performed to date to implement the Project. Within 90 days of the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made and all actions completed on the Project during the previous 60-day period and setting forth a schedule for achieving completion of the Project within the 470-day time-frame set forth in Section 2, Performance Schedule, above. Thereafter, Respondent shall submit progress reports to the TCEQ in 90-day increments containing detailed information on all actions completed on the Project to date as set forth in the Reporting Schedule table below:

Days from Effective Order Date	Information Required
30	Notice of Commencement describing actions taken to begin project
90	Actions completed during previous 60-day period
180	Actions completed during previous 90-day period
270	Actions completed during previous 90-day period
360	Actions completed during previous 90-day period
470	Notice of SEP completion

B. Final Report

Within 470 days after the effective date of the Agreed Order, or within 60 days after completion of SEP, whichever is earlier, Respondent shall submit a Final Report to the TCEQ, which shall include the following:

1. Itemized list of expenditures and total cost of the Project;
2. Copies of invoices, paid receipts, cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
3. Proof of publication of invitation for bids (publication must include the enforcement statement, as stated in Section 6, Publicity, below;
4. Dated photographs of the purchased equipment; before and after work being performed and during the installation process; and include photographs of the completed Project;
5. Copies of all engineering plans related to work performed pursuant to the Project;
6. A notarized/certified statement and supporting documentation demonstrating the quantifiable environmental benefits achieved as a result of the Project; and
7. Any additional information demonstrating compliance with this Attachment A.

C. Address

Respondent shall submit all SEP reports and any additional information as requested to the following address:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

4. Additional Information and Access

Respondent shall provide additional information as requested by TCEQ staff, and shall allow access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of the TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

5. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 through 4, above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount as set forth in the attached Agreed Order.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

6. Publicity

Any public statements concerning this Project made by or on behalf of Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

7. Clean Texas Program

Respondent shall not include this Project in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

City of Queen City
Attachment A

8. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	25-Oct-2010	Screening	28-Oct-2010	EPA Due	
	PCW	16-Nov-2010				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Queen City		
Reg. Ent. Ref. No.	RN101918910		
Facility/Site Region	5-Tyler	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	25076	No. of Violations	3
Docket No.	2010-1244-MLM-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media	Public Water Supply	Enf. Coordinator	Heather Brister
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$33,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **310.0%** Enhancement **Subtotals 2, 3, & 7** **\$102,300**

Notes: Enhancement for 54 months of self-reported effluent violations, four NOV's for same/similar violations, and one Order with denial of liability.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$0**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts \$14,969
Approx. Cost of Compliance \$75,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$135,300**

OTHER FACTORS AS JUSTICE MAY REQUIRE **-40.5%** **Adjustment** **-\$54,780**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended reduction to prevent the self-reported violations from overly impacting the penalty and to prevent the double-enhancement of the penalty amount for same/similar violations that were self-reported.

Final Penalty Amount **\$80,520**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$80,520**

DEFERRAL **0.0%** Reduction **Adjustment** **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$80,520**

Screening Date 28-Oct-2010

Docket No. 2010-1244-MLM-E

PCW

Respondent City of Queen City

Policy Revision 2 (September 2002)

Case ID No. 25076

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101918910

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	58	290%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 310%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for 54 months of self-reported effluent violations, four NOVs for same/similar violations, and one Order with denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 310%

Screening Date 28-Oct-2010
Respondent City of Queen City
Case ID No. 25076

Docket No. 2010-1244-MLM-E

PCW

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101918910

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011225001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, and TCEQ Agreed Order Docket No. 2005-0658-MLM-E, Ordering Provision No. 2.f

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on May 19, 2010. See attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

A simplified model was used to evaluate 5-day carbonaceous biochemical oxygen demand ("CBOD₅") and ammonia nitrogen ("NH₃-N"), to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids ("TSS") and chlorine residual were also considered. As a result of these discharges, human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 2 89 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$10,000

Two monthly events are recommended for the months of February and April 2008.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDP RP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$10,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$14,969

Violation Final Penalty Total \$24,400

This violation Final Assessed Penalty (adjusted for limits) \$24,400

Economic Benefit Worksheet

Respondent City of Queen City

Case ID No. 25076

Reg. Ent. Reference No. RN101918910

Media Water Quality

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$75,000	4-Oct-2007	30-Sep-2011	3.99	\$14,969	n/a	\$14,969

Notes for DELAYED costs

Estimated cost to determine the cause of non-compliance and to make necessary adjustments to achieve compliance with the permitted effluent limits. Date required is the effective date of the Agreed Order. Final date is the anticipated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$75,000

TOTAL

\$14,969

Screening Date 28-Oct-2010

Docket No. 2010-1244-MLM-E

PCW

Respondent City of Queen City

Policy Revision 2 (September 2002)

Case ID No. 25076

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101918910

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 2

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), TPDES Permit No. WQ0011225001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, and TCEQ Agreed Order Docket No. 2005-0658-MLM-E, Ordering Provision No. 2.f

Violation Description

Failed to comply with permitted effluent limits, as documented during a record review conducted on May 19, 2010. See attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 25%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0%

Matrix Notes

A simplified model was used to evaluate CBOD₅, NH₃-N, and flow to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. TSS were also considered. As a result of these discharges, human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 4

121 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$10,000

Four monthly events are recommended for the months of May and October 2009 and January and February 2010.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$10,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$24,400

This violation Final Assessed Penalty (adjusted for limits) \$24,400

Economic Benefit Worksheet

Respondent City of Queen City

Case ID No. 25076

Reg. Ent. Reference No. RN101918910

Media Water Quality

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit for Violation No. 1

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 28-Oct-2010
Respondent City of Queen City
Case ID No. 25076
Reg. Ent. Reference No. RN101918910
Media [Statute] Water Quality
Enf. Coordinator Heather Brister

Docket No. 2010-1244-MLM-E

PCW

Policy Revision 2 (September 2002)
PCW Revision October 30, 2008

Violation Number 3

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), TPDES Permit No. WQ0011225001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, and TCEQ Agreed Order Docket No. 2005-0658-MLM-E, Ordering Provision No. 2.f

Violation Description

Failed to comply with permitted effluent limits, as documented during a record review conducted on May 19, 2010. See attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

A simplified model was used to evaluate CBOD₅, NH₃-N, and flow to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. TSS and chlorine residual were also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 13

Number of violation days 854

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$13,000

Thirteen quarterly events are recommended from the effective date of the Agreed Order (October 4, 2007) to the screening date (October 28, 2010).

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$13,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$31,720

This violation Final Assessed Penalty (adjusted for limits) \$31,720

Economic Benefit Worksheet

Respondent City of Queen City
 Case ID No. 25076
 Reg. Ent. Reference No. RN101918910
 Media Water Quality
 Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit for Violation No. 1

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	25-Oct-2010	Screening	28-Oct-2010	EPA Due	
	PCW	16-Nov-2010				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Queen City		
Reg. Ent. Ref. No.	RN101388858		
Facility/Site Region	5-Tyler	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	25076	No. of Violations	1
Docket No.	2010-1244-MLM-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media	Water Quality	Enf. Coordinator	Heather Brister
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$500
---	-------------------	-------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	76.0% Enhancement	Subtotals 2, 3, & 7	\$380
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Notes Enhancement for five NOV's for same/similar violations, three NOV's for dissimilar violations, one Order with denial of liability, and one Order without denial of liability.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
--	-------------------	-----

Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$458
Approx. Cost of Compliance \$5,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$880
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$880
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$880
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$880
------------------------	-------

Screening Date 28-Oct-2010

Docket No. 2010-1244-MLM-E

PCW

Respondent City of Queen City

Policy Revision 2 (September 2002)

Case ID No. 25076

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101388858

Media [Statute] Public Water Supply

Enf. Coordinator Heather Brister

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	5	25%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 76%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for five NOVs for same/similar violations, three NOVs for dissimilar violations, one Order with denial of liability, and one Order without denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 76%

Screening Date 28-Oct-2010
Respondent City of Queen City
Case ID No. 25076
Reg. Ent. Reference No. RN101388858
Media [Statute] Public Water Supply
Enf. Coordinator Heather Brister

Docket No. 2010-1244-MLM-E

PCW

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.113(f)(4), Tex. Health & Safety Code § 341.0315(c), TCEQ Agreed Order Docket No. 2009-0515-PWS-E, Ordering Provision Nos. 2.a and 2.b

Violation Description

Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM"), based on a running annual average. Specifically, the running annual average concentrations for TTHM were 0.145 mg/L for the fourth quarter of 2007, 0.154 mg/L for the first quarter of 2008, 0.159 mg/L for the second quarter of 2008, 0.162 mg/L for the third quarter of 2008, and 0.144 mg/L for the fourth quarter of 2008.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Customers of the Facility have been exposed to significant amounts of contaminants that do not exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 2

423 **Number of violation days**

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	X
single event	

Violation Base Penalty \$500

Two annual events are recommended from the effective date of TCEQ Agreed Order Docket No. 2009-0515-PWS-E (August 31, 2009), to the screening date (October 28, 2010).

Good Faith Efforts to Comply

0.0% **Reduction**

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$458

Violation Final Penalty Total \$880

This violation Final Assessed Penalty (adjusted for limits) \$880

Economic Benefit Worksheet

Respondent City of Queen City
Case ID No. 25076
Reg. Ent. Reference No. RN101388858
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	31-Aug-2009	30-Jun-2011	1.83	\$458	n/a	\$458

Notes for DELAYED costs

The estimated cost to implement an alternative method of disinfection. Date required is the effective date of TCEQ Agreed Order Docket No. 2009-0515-PWS-E. Final date is the anticipated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$458

Effluent Limit Violation Table

Table rev.

Respondent City of Queen City
ID Number(s) WQ0011225001
Docket Number 2010-1244-MLM-E
Enf. Coordinator Heather Brister

Corresponds to Violation Numbers:

1, 2, and 3

EFFLUENT PARAMETER Permit Limit

Month/Year	CBOD ₅ Daily Avg. Conc. 10 mg/L	CBOD ₅ Single Grab Conc. 35 mg/L	CBOD ₅ Daily Avg. Loading 21 lbs/day	Chlorine Residual Min. Conc. 1.0 mg/L	Daily Average Flow 0.25 MGD	TSS Daily Avg. Conc. 15 mg/L	TSS Single Grab Conc. 60 mg/L	TSS Daily Avg. Loading 31 lbs/day	NH ₃ -N Daily Avg. Conc. 3 mg/L	NH ₃ -N Daily Avg. Loading 6.3 lbs/day
November-07	c	c	c	c	c	16.70	c	c	5.56	c
December-07	12.10	c	c	c	c	22.00	c	43.20	6.92	8.01
January-08	c	c	c	c	c	c	c	c	7.77	10.18
February-08	32.70	60.00	46.90	c	c	20.40	c	c	6.94	9.98
March-08	c	c	30.30	c	c	23.90	62.00	100.90	3.14	7.03
April-08	139.60	102.00	684.40	0.80	c	28.70	650.00	118.10	5.72	11.64
May-08	c	c	c	c	c	16.20	c	66.50	3.51	6.55
June-08	c	c	c	0.50	c	c	c	c	4.43	c
July-08	c	c	c	0.30	c	c	c	c	3.73	c
August-08	c	c	c	c	c	c	c	c	5.14	c
September-08	c	c	c	c	c	28.50	90.00	91.50	3.73	c
October-08	c	c	c	c	c	c	c	c	8.00	10.10
November-08	c	c	c	c	c	19.20	c	39.10	5.17	7.48
December-08	c	c	c	c	c	c	c	c	4.95	7.00
January-09	c	c	c	c	c	26.80	83.30	80.70	4.61	6.64
February-09	c	c	c	c	c	c	c	c	8.38	11.53
March-09	c	c	c	c	c	c	c	c	7.78	8.74
April-09	c	c	c	c	c	c	c	c	5.51	7.81
May-09	17.20	c	33.40	c	c	41.20	98.00	73.50	5.87	11.44
June-09	c	c	c	c	c	c	c	c	9.02	8.34
July-09	c	c	c	c	c	c	c	c	6.42	c
August-09	c	c	c	c	c	c	c	c	9.94	8.54
September-09	c	c	c	c	c	c	c	c	6.18	7.91
October-09	11.60	c	52.30	c	0.40	28.20	c	143.80	3.10	10.60
November-09	14.40	c	c	c	c	16.20	c	c	5.37	7.12
December-09	12.50	c	48.60	c	0.26	93.80	390.00	506.90	5.24	14.16
January-10	16.30	c	29.30	c	c	22.60	c	40.50	5.94	10.40
February-10	11.00	c	23.80	c	0.27	c	c	c	6.40	12.75
March-10	c	c	c	c	c	c	c	c	4.49	8.20
April-10	c	c	c	c	c	48.00	147.00	91.50	c	c

CBOD₅ = 5- day
carbonaceous
biochemical oxygen demand
NH₃-N = ammonia nitrogen
TSS = total suspended solids
MGD = million gallons per day
mg/L = milligrams per liter

conc. = concentration
lbs/day = pounds per day
avg. = average
c = compliant
min. = minimum

Compliance History Report

Customer/Respondent/Owner-Operator: CN600647507 City of Queen City Classification: AVERAGE Rating: 4.85
Regulated Entity: RN101388858 CITY OF QUEEN CITY Classification: Site Rating:
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0340018
WATER LICENSING LICENSE 0340018
Location: Located at 210 Houston Street in Queen City, Cass County, Texas
TCEQ Region: REGION 05 - TYLER
Date Compliance History Prepared: November 15, 2010
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: November 15, 2005 to November 15, 2010
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Heather Brister Phone: (254) 761-3034

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Repeat Violator: No

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 10/04/2007 ADMINORDER 2005-0658-MLM-E
Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.113(b)(1)
30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)
Description: Exceeded the maximum contaminant level ("MCL") based on a running annual average for total trihalomethanes ("TTHM") during the third quarter of 2004

Effective Date: 08/31/2009 ADMINORDER 2009-0515-PWS-E
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Rqmt Prov: Docket No. 2005-0658-MLM-E ORDER
Description: Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2007.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Rqmt Prov: Docket No. 2005-0658-MLM-E ORDER
Description: Violated the maximum contaminant level for trihalomethanes during the first quarter of 2008.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Rqmt Prov: Docket No. 2005-0658-MLM-E ORDER
Description: Violated the maximum contaminant level for trihalomethanes during the second quarter of 2008.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Rqmt Prov: Docket No. 2005-0658-MLM-E ORDER
Description: Violated the maximum contaminant level for trihalomethanes during the third quarter of 2008.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Rqmt Prov: Docket No. 2005-0658-MLM-E ORDER

Description: Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2008.

B. Any criminal convictions of the state of Texas and the federal government. N/A

C. Chronic excessive emissions events. N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	08/17/2007	(572364)
2	12/02/2008	(709003)
3	02/08/2008	(738489)
4	07/30/2008	(738568)
5	08/28/2008	(738591)
6	11/03/2008	(738594)
7	01/23/2009	(738616)
8	03/26/2009	(738706)
9	03/17/2010	(795434)
10	10/22/2010	(870899)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	08/31/2007	(572364)	CN600647507
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)		
Description:	Failure to make available sanitary control easements for well at the time of inspection.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)		
Description:	Failure to initiate maintenance and housekeeping practices.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)		
Description:	Failure to provide each well with a screened casing vent.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.44(h)(4)		
Description:	Failure to perform annual inspections and testing by a certified backflow assembly tester on all backflow prevention assemblies.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(iv)		
Description:	Failure to provide an elevated storage capacity of 100 gallons per connection.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(d)(2) 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A) 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(B)		
Description:	Failure to maintain a free chlorine residual of at least 0.2 mg/L throughout the distribution system.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(e)		
Description:	Failure by the regulated entity, which serves more than 1,000 connections, and only uses groundwater or purchased treated water to employ at least two Class "C" licensed operators.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iii)		
Description:	Failure to maintain written complaint logs.		

Date: **07/30/2008** (738568) CN600647507
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Docket No. 2005-0658-MLM-E ORDER
Description: Violated the maximum contaminant level for trihalomethanes during the first quarter of 2008.

Date: **08/28/2008** (738591) CN600647507
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Docket No. 2005-0658-MLM-E ORDER
Description: Violated the maximum contaminant level for trihalomethanes during the second quarter of 2008.

Date: **11/03/2008** (738594) CN600647507
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Docket No. 2005-0658-MLM-E ORDER
Description: Violated the maximum contaminant level for trihalomethanes during the third quarter of 2008.

Date: **01/23/2009** (738616) CN600647507
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Docket No. 2005-0658-MLM-E ORDER
Description: Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2008.

Date: **02/08/2009** (738489) CN600647507
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Docket No. 2005-0658-MLM-E ORDER
Description: Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2007.

Date: **03/25/2010** (795434) CN600647507
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(4)
Description: Failure to perform annual inspections and testing by a certified backflow assembly tester on all backflow prevention assemblies.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)
Description: Failure to maintain a written Plant Operations Manual.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)
Description: Failure to equip the ground storage tank with a working water level indicator located at the tank site.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)
Description: Failure to maintain records of the results of annual tank inspections.

Date: 09/16/2010 (864515)

CN600647507

Self Report? NO

Classification Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)

Description: Failure to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.2 mg/L free chlorine.

- | | | |
|----|---|-----|
| F. | Environmental audits. | N/A |
| G. | Type of environmental management systems (EMSs). | N/A |
| H. | Voluntary on-site compliance assessment dates. | N/A |
| I. | Participation in a voluntary pollution reduction program. | N/A |
| J. | Early compliance. | N/A |

Sites Outside of Texas

N/A

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600647507	City of Queen City	Classification: AVERAGE	Rating: 4.85
Regulated Entity:	RN101918910	CITY OF QUEEN CITY	Classification: AVERAGE	Site Rating: 4.85
ID Number(s):	WASTEWATER		PERMIT	WQ0011225001
	WASTEWATER		EPA ID	TX0034797
	WASTEWATER LICENSING		LICENSE	WQ0011225001

Location: Located on the south side of Cypress Creek approximately 1.1 miles east and 0.2 mile north of the intersection of Farm-to-Market Road 96 and United States Highway 59 in Cass County, Texas

TCEQ Region: REGION 05 - TYLER
 Date Compliance History Prepared: November 15, 2010
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: November 15, 2005 to November 15, 2010
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Heather Brister Phone: (254) 761-3034

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership/operator of the site during the compliance period? | No |
| 3. If Yes, who is the current owner/operator? | N/A |
| 4. If Yes, who was/were the prior owner(s)/operator(s)? | N/A |
| 5. When did the change(s) in owner or operator occur? | N/A |
| 6. Repeat Violator: NO | |
| Rating Date: 9/1/2009 | |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.
- | | | |
|-----------------|---|----------------------------|
| Effective Date: | 10/04/2007 | ADMINORDER 2005-0658-MLM-E |
| Classification: | Moderate | |
| Citation: | 2D TWC Chapter 26, SubChapter A 26.121(a) | |
| | 30 TAC Chapter 305, SubChapter F 305.125(1) | |
| Rqmt Prov: | Effluent Limits PERMIT | |
| Description: | Failed to comply with permit effluent limits as documented by a TCEQ record review of self-reported data. | |
| Classification: | Moderate | |
| Citation: | 30 TAC Chapter 305, SubChapter F 305.125(17) | |
| Rqmt Prov: | Self-reporting Requirements PERMIT | |
| Description: | Failed to report, by September 1, 2004, the annual sewage sludge Discharge Monitoring Reports ("DMRs") for the year ending July 31, 2004 | |
| Classification: | Moderate | |
| Citation: | 30 TAC Chapter 305, SubChapter F 305.125(1) | |
| Rqmt Prov: | Other Requirement number 4, page 26. PERMIT | |
| Description: | Failed to meet the 36 month schedule for construction and completion of the wastewater treatment facilities required by TPDES permit WQ0011225-001. | |
| Classification: | Minor | |
| Citation: | 30 TAC Chapter 305, SubChapter F 305.125(1) | |
| Rqmt Prov: | Monitoring & Reporting Requirements (7) PERMIT | |
| Description: | Failed to report, within 5 working days, ammonia daily average effluent exceedances of greater than 40% of the permit limit for July, August, September, October 2004 | |

- B. Any criminal convictions of the state of Texas and the federal government. N/A
 C. Chronic excessive emissions events. N/A
 D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 02/24/2006 (452053)
- 2 02/21/2006 (472149)
- 3 03/30/2006 (472149)
- 4 11/18/2005 (472151)
- 5 12/21/2005 (472152)
- 6 01/19/2006 (472153)
- 7 04/24/2006 (500545)
- 8 05/19/2006 (500546)
- 9 06/26/2006 (500547)

10 07/24/2006 (522666)
 11 08/30/2006 (522667)
 12 10/02/2006 (547396)
 13 10/18/2006 (547397)
 14 11/27/2006 (547398)
 15 12/27/2006 (547399)
 16 01/19/2007 (580039)
 17 02/14/2007 (533327)
 18 02/26/2007 (580034)
 19 03/26/2007 (580035)
 20 04/23/2007 (580036)
 21 05/21/2007 (580037)
 22 06/18/2007 (580038)
 23 08/02/2007 (603009)
 24 09/04/2007 (603010)
 25 09/24/2007 (603011)
 26 10/24/2007 (621421)
 27 11/26/2007 (621422)
 28 12/27/2007 (621423)
 29 01/22/2008 (673439)
 30 02/26/2008 (673438)
 31 02/29/2008 (615696)
 32 03/19/2008 (691664)
 33 04/21/2008 (691665)
 34 05/29/2008 (691666)
 35 06/20/2008 (712622)
 36 07/23/2008 (712623)
 37 09/08/2008 (712624)
 38 09/19/2008 (712625)
 39 10/01/2008 (703430)
 40 10/17/2008 (728845)
 41 11/21/2008 (728846)
 42 12/22/2008 (728847)
 43 01/20/2009 (751976)
 44 02/23/2009 (751975)
 45 03/19/2009 (727137)
 46 03/23/2009 (769732)
 47 04/20/2009 (769733)
 48 05/21/2009 (769734)
 49 06/16/2009 (749182)
 50 12/23/2009 (782521)
 51 02/25/2010 (792628)
 52 04/19/2010 (832351)
 53 05/20/2010 (832352)
 54 07/09/2010 (784713)
 55 06/17/2010 (846721)
 56 09/14/2010 (867390)
 57 08/19/2010 (867391)
 58 10/22/2010 (870777)
 59 10/29/2010 (870251)
 60 09/27/2010 (874419)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	12/31/2005	(472153)	CN600647507
Self Report?	YES		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	01/31/2006	(472147)	CN600647507
Self Report?	YES		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	02/28/2006	(472149)	CN600647507
Self Report?	YES		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		

Date: 03/31/2006 (500545) CN600647507
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2006 (500546) CN600647507
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2006 (500547) CN600647507
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2006 (522666) CN600647507
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2006 (522667) CN600647507
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2006 (547396) CN600647507
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2006 (547397) CN600647507
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2006 (547398) CN600647507
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2006 (547399) CN600647507
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2006 (580039) CN600647507
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2007 (580034) CN600647507
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 02/15/2007 (533327) CN600647507
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet permit effluent limits.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(B)
30 TAC Chapter 305, SubChapter F 305.125(11)(C)
Description: Failure to submit annual sludge report.

Date: 02/28/2007 (580035) CN600647507
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2007 (580037) CN600647507
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2007 (580038) CN600647507
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2007 (603010) CN600647507
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2007 (603011) CN600647507
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2007 (621421) CN600647507
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2007 (621423) CN600647507
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2007 (673439) CN600647507
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2008 (673438) CN600647507
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 02/29/2008 (691664) CN600647507
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 03/05/2008 (615696) CN600647507
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet permit effluent limits.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(B)
30 TAC Chapter 305, SubChapter F 305.125(11)(C)
Description: Failure to submit annual sludge report.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 317 317.4(a)(8)
Description: Failure to provide a backflow preventer on the potable water main.

Date: 03/31/2008 (691665) CN600647507
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2008 (691666) CN600647507
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2008 (712622) CN600647507
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2008 (712623) CN600647507
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2008 (712624) CN600647507
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2008 (712625) CN600647507
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2008 (728845) CN600647507
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2008 (728846) CN600647507
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2008 (728847) CN600647507
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2008 (751976) CN600647507
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2009 (751975) CN600647507
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2009 (769732) CN600647507
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 03/20/2009 (727137) CN600647507
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the permit limitations Texas Pollutant Discharge Elimination System (TPDES) Permit No. 11225-001 for carbonaceous biochemical oxygen demand (CBOD), total suspended solids (TSS), and Ammonia Nitrogen.

Date: 03/31/2009 (769733) CN600647507
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2009 (769734) CN600647507
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2009 CN600647507
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2009 CN600647507
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2009 CN600647507
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2009 CN600647507
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2009 CN600647507
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2009 CN600647507
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2009 CN600647507
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2009 CN600647507
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date:	01/08/2010	(782521)	CN600647507	
Self Report?	NO			Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the permit effluent limitations for Texas Pollutant Discharge Elimination System (TPDES) Permit No. 11225-001 for total suspended solids (TSS), and Ammonia Nitrogen. During the period of review April 2009 through May 2008, TSS excursions occurred in January 2009, November, September and May 2008; excursions for ammonia nitrogen occurred in April, March, February, January 2009, December, November, October, September, August, July, June and May 2008.			

Date:	01/31/2010		CN600647507	
Self Report?	YES			Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			

Date:	02/28/2010		CN600647507	
Self Report?	YES			Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			

Date:	03/31/2010	(832351)	CN600647507	
Self Report?	YES			Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			

Date:	04/30/2010	(832352)	CN600647507	
Self Report?	YES			Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			

Date:	05/31/2010	(846721)	CN600647507	
Self Report?	YES			Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			

Date:	06/30/2010	(867390)	CN600647507	
Self Report?	YES			Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			

Date:	07/31/2010	(867391)	CN600647507	
Self Report?	YES			Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			

Date:	08/31/2010	(874419)	CN600647507	
Self Report?	YES			Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			

F.	Environmental audits.	N/A
G.	Type of environmental management systems (EMSs).	N/A
H.	Voluntary on-site compliance assessment dates.	N/A
I.	Participation in a voluntary pollution reduction program.	N/A
J.	Early compliance.	N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF QUEEN CITY
RN101918910 AND
RN101388858**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2010-1244-MLM-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Queen City ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26 and TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment plant located on the south side of Cypress Creek, approximately 1.1 miles east and 0.2 mile north of the intersection

of Farm-to-Market Road 96 and United States Highway 59 in Cass County, Texas ("Facility No. 1").

2. The Respondent owns and operates a public water supply located at 210 Houston Street in Queen City, Cass County, Texas ("Facility No. 2") that has approximately 1,003 service connections and serves at least 25 people per day for at least 60 days per year.
3. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
4. During a record review on May 19, 2010, TCEQ staff documented the following effluent values based on self-reported discharge monitoring reports ("DMRs"):

EFFLUENT PARAMETER										
Permit Limit										
Month/Year	CBOD ₅ Daily Avg. Conc. 10 mg/L	CBOD ₅ Single Grab Conc. 35 mg/L	CBOD ₅ Daily Avg. Loading 21 lbs/day	Chlorine Residual Min. Conc. 1.0 mg/L	Daily Average Flow 0.25 MGD	TSS Daily Avg. Conc. 15 mg/L	TSS Single Grab Conc. 60 mg/L	TSS Daily Avg. Loading 31 lbs/day	NH ₃ -N Daily Avg. Conc. 3 mg/L	NH ₃ -N Daily Avg. Loading 6.3 lbs/day
November-07	c	c	c	c	c	16.70	c	c	5.56	c
December-07	12.10	c	c	c	c	22.00	c	43.20	6.92	8.01
January-08	c	c	c	c	c	c	c	c	7.77	10.18
February-08	32.70	60.00	46.90	c	c	20.40	c	c	6.94	9.98
March-08	c	c	30.30	c	c	23.90	62.00	100.90	3.14	7.03
April-08	139.60	102.00	684.40	0.80	c	28.70	650.00	118.10	5.72	11.64
May-08	c	c	c	c	c	16.20	c	66.50	3.51	6.55
June-08	c	c	c	0.50	c	c	c	c	4.43	c
July-08	c	c	c	0.30	c	c	c	c	3.73	c
August-08	c	c	c	c	c	c	c	c	5.14	c
September-08	c	c	c	c	c	28.50	90.00	91.50	3.73	c
October-08	c	c	c	c	c	c	c	c	8.00	10.10
November-08	c	c	c	c	c	19.20	c	39.10	5.17	7.48
December-08	c	c	c	c	c	c	c	c	4.95	7.00
January-09	c	c	c	c	c	26.80	83.30	80.70	4.61	6.64
February-09	c	c	c	c	c	c	c	c	8.38	11.53
March-09	c	c	c	c	c	c	c	c	7.78	8.74
April-09	c	c	c	c	c	c	c	c	5.51	7.81
May-09	17.20	c	33.40	c	c	41.20	98.00	73.50	5.87	11.44
June-09	c	c	c	c	c	c	c	c	9.02	8.34
July-09	c	c	c	c	c	c	c	c	6.42	c
August-09	c	c	c	c	c	c	c	c	9.94	8.54
September-09	c	c	c	c	c	c	c	c	6.18	7.91
October-09	11.60	c	52.30	c	0.40	28.20	c	143.80	3.10	10.60
November-09	14.40	c	c	c	c	16.20	c	c	5.37	7.12
December-09	12.50	c	48.60	c	0.26	93.80	390.00	506.90	5.24	14.16
January-10	16.30	c	29.30	c	c	22.60	c	40.50	5.94	10.40
February-10	11.00	c	23.80	c	0.27	c	c	c	6.40	12.75
March-10	c	c	c	c	c	c	c	c	4.49	8.20
April-10	c	c	c	c	c	48.00	147.00	91.50	c	c

CBOD₅ = 5- day carbonaceous biochemical oxygen demand
NH₃-N = ammonia nitrogen
TSS = total suspended solids
MGD = million gallons per day
mg/L = milligrams per liter

conc. = concentration
lbs/day = pounds per day
avg. = average
c = compliant
min. = minimum

5. During a record review conducted on October 15, 2010, TCEQ staff documented that the Respondent did not comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM"), based on a running annual average. Specifically, the running annual average concentrations for TTHM were 0.145 mg/L for the fourth quarter of 2007, 0.154 mg/L for the first quarter of 2008, 0.159 mg/L for the second quarter of 2008, 0.162 mg/L for the third quarter of 2008, and 0.144 mg/L for the fourth quarter of 2008.
6. The Respondent received notices of the violations on July 14, 2010 and October 27, 2010.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the Commission.
2. As evidenced by Findings of Fact No. 4, the Respondent failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011225001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, and TCEQ Agreed Order Docket No. 2005-0658-MLM-E, Ordering Provision No. 2.f.
3. As evidenced by Findings of Fact No. 5, the Respondent failed to comply with the MCL of 0.080 mg/L for TTHM, based on a running annual average, in violation of 30 TEX. ADMIN. CODE § 290.113(f)(4), TEX. HEALTH & SAFETY CODE § 341.0315(c) and TCEQ Agreed Order Docket No. 2009-0515-PWS-E, Ordering Provision Nos. 2.a and 2.b.
4. Pursuant to TEX. WATER CODE § 7.051 and TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of Eighty-One Thousand Four Hundred Dollars (\$81,400) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053 and TEX. HEALTH & SAFETY CODE § 341.049(b). Eighty-One Thousand Four Hundred Dollars (\$81,400) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Eighty-One Thousand Four Hundred Dollars (\$81,400) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Queen City, Docket No. 2010-1244-MLM-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete the SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 5 above, Eighty-One Thousand Four Hundred Dollars (\$81,400) of the assessed administrative penalty shall be offset with the condition that the Respondent implements the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall under take the following technical requirements:
 - a. Within 180 days after the effective date of this Agreed Order, submit a report to the Commission, documenting the progress of corrective actions that are planned and/or have been completed to ensure the effluent meets the permitted limits. The reports shall be submitted to the addresses in Ordering Provisions No. 2.e. below;
 - b. Within 365 days after the effective date of this Agreed Order, return to compliance with the running annual average MCL for TTHM, in accordance with 30 TEX. ADMIN. CODE § 290.113;
 - c. Within 380 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 3.b, in accordance with Ordering Provision No. 3.e below;

- d. Within 470 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limits of TPDES Permit No. WQ0011225001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations; and
- e. The certification of compliance required by Ordering Provision Nos. 3.c and 3.d shall be notarized by a State of Texas Notary Public and include the following certification language and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager
Tyler Regional Office
Texas Commission on Environmental Quality
2916 Teague Drive
Tyler, Texas 75701-3734

- 4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to

the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
9. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
10. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pam D. Jorin
For the Executive Director

9/18/13
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Queen City. I am authorized to agree to the attached Agreed Order on behalf of the City of Queen City, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, the City of Queen City waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Harold Martin
Signature

05/06/2013
Date

Harold Martin
Name (Printed or typed)
Authorized Representative of
City of Queen City

Mayor
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section III, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2010-1244-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Queen City
Penalty Amount:	Eighty-One Thousand Four Hundred Dollars (\$81,400)
SEP Offset Amount:	Eighty-One Thousand Four Hundred Dollars (\$81,400)
Type of SEP:	Compliance SEP
Project Name:	<i>Waste Water Treatment Plant Construction Project</i>
Location of SEP:	Cass County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative Penalty Amount assessed in this Agreed Order for Respondent to perform a Supplemental Environmental Project ("SEP"). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

Respondent is a Local Government that qualifies under Texas Water Code § 7.067 to apply the SEP Offset Amount set forth above to correct violations at its wastewater treatment facility which are described in this Agreed Order. This Agreed Order cites violations at the Respondent's wastewater treatment plant. Respondent shall purchase and install a backup generator for power interruptions and security fencing for the wastewater treatment plant. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for one or more of the following: security fencing consisting of a double 10 foot gate, single walk-thru gate, and 400 feet of 6-foot 9-gauge chain link fence with 2-strand barbwire on top; a 275-KW Generac Diesel-Powered generator; 600 AMP rain-tight 3-phase automatic transfer switch; copper utility, control wiring and conduit between generator and transfer switch; 17' x 6' x 3.5" thick concrete slab with rebar for generator pad; 695 gallons of diesel fuel; and contract labor to install the security fencing and generator equipment (the "Project"). Respondent shall solicit bids from qualified contractors to install the generator and security fencing. Any advertisements, including solicitation for bids publication, related to the SEP must include the enforcement statement as stated in Section 6, Publicity, below. The Project will be performed in accordance with all federal, state, and local environmental laws and regulations, including obtaining any permits that may be required prior to commencement of the work.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed in Subsection C. Minimum Expenditure, Estimated Cost Schedule, below. No portion of the SEP Offset Amount shall be spent on administrative costs, including but not limited to operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

Respondent's signature affixed to the attached Agreed Order certifies that Respondent has not previously performed this Project, and that the SEP is being performed solely as part of the terms of settlement in this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by improving the quality of wastewater effluent being released into the environment. Inadequately treated effluent can carry bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis (causing stomach cramps and diarrhea) to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis.

C. Minimum Expenditure

Respondent shall spend at least the SEP Offset Amount to complete the Project described in Section 1, above, and comply with all other provisions of this SEP. Respondent understands that it may cost more than the SEP Offset Amount to complete the Project.

Estimated Cost Schedule

Item	Quantity	Cost	Units	Total
Double 10-ft gate	2	\$750.00	Each	\$1,500.00
Single gate/walk through	1	\$550.00	Each	\$550.00
6' 9-gauge chain link fence with 2-strand barbwire cap	400	\$18.00	Each	\$7200.00
275 KW Generac Diesel Powered Generator	1	\$56,450.00	Each	\$56,450.00
600 AMP automatic transfer switch	1	\$5,725.00	Each	\$5,725.00
Copper utility, control wiring, and conduit between generator and transfer switch	1	\$6,875.00	Each	\$6,875.00
17' x 6' x 3.5" thick concrete slab with rebar reinforcement for generator	1	\$1,750.00	Each	\$1,750.00
695 gallons of diesel fuel for generator	1	\$3,550.00	Each	\$3,550.00
Contract labor to install conduit and wire; mount transfer switch; and complete turnkey project	1	\$7,100.00	Each	\$7,100.00
Total				\$90,700.00

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 365 days after the effective date of this Agreed Order.

3. Records and Reporting

A. Progress Report

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to the TCEQ describing actions performed to date to implement the Project. Within 90 days of the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made and all actions completed on the Project during the previous 60-day period and setting forth a schedule for achieving completion of the Project within the 470-day time-frame set forth in Section 2, Performance Schedule, above. Thereafter, Respondent shall submit progress reports to the TCEQ in 90-day increments containing detailed information on all actions completed on the Project to date as set forth in the Reporting Schedule table below:

Days from Effective Order Date	Information Required
30	Notice of Commencement describing actions taken to begin project
90	Actions completed during previous 60-day period
180	Actions completed during previous 90-day period
270	Actions completed during previous 90-day period
360	Actions completed during previous 90-day period
470	Notice of SEP completion

B. Final Report

Within 470 days after the effective date of the Agreed Order, or within 60 days after completion of SEP, whichever is earlier, Respondent shall submit a Final Report to the TCEQ, which shall include the following:

1. Itemized list of expenditures and total cost of the Project;
2. Copies of invoices, paid receipts, cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
3. Proof of publication of invitation for bids (publication must include the enforcement statement, as stated in Section 6, Publicity, below;
4. Dated photographs of the purchased equipment; before and after work being performed and during the installation process; and include photographs of the completed Project;
5. Copies of all engineering plans related to work performed pursuant to the Project;
6. A notarized/certified statement and supporting documentation demonstrating the quantifiable environmental benefits achieved as a result of the Project; and
7. Any additional information demonstrating compliance with this Attachment A.

C. Address

Respondent shall submit all SEP reports and any additional information as requested to the following address:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

4. Additional Information and Access

Respondent shall provide additional information as requested by TCEQ staff, and shall allow access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of the TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

5. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 through 4, above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount as set forth in the attached Agreed Order.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

6. Publicity

Any public statements concerning this Project made by or on behalf of Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

7. Clean Texas Program

Respondent shall not include this Project in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

City of Queen City
Attachment A

8. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.